

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEITH ROSE,)	
)	
Plaintiff,)	No. 4:22-CV-00099 JMB
)	
v.)	
)	
ROBERT SCHULTE,)	
)	
Defendant.)	

JOINT PROPOSED SCHEDULING PLAN

COME NOW all parties, and in accordance with this Court's April 11, 2022 Order (ECF No. 13), submit their Joint Proposed Scheduling Plan.

1. **Track:** The parties agree that a Track Assignment to Track 2 is appropriate.
2. **Additional Parties and Amendment of Pleadings:** Plaintiff respectfully suggests that a deadline of Monday, August 15, 2022, is appropriate for the addition of other parties or the amendment of the pleadings in this case. Defendant states that Plaintiff has already amended his Complaint in this case. See ECF No. 12.
3. **Discovery Plan:**
 - a. The disclosure and discovery of electronically stored information will be in a text-searchable .pdf format whenever possible. If conversion of files to .pdf format cannot be reasonably achieved, the electronic information will be transferred in the format used in the ordinary course of business. The parties anticipate that they may make additional agreements regarding e-discovery and may submit a proposed order to that effect.
 - b. The inadvertent production of privileged or work-product protected documents, electronically stored information ("ESI") or information is not a waiver of the privilege of

protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted in accordance with Federal Rule of Evidence 502(d).

- c. Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for responsiveness and/or segregation of privileged and/or protected information before production.
- d. Discovery need not be conducted in phases, nor need it be limited to certain issues.
- e. The parties will disclose information and exchange documents pursuant to Fed. R. Civ. P. 26(a)(1) and E.D.Mo. L.R. 3.01(A) by Monday, June 13, 2022.
- f. The parties agree at this time that the presumptive limits of ten (10) depositions per party, as set forth in Fed. R. Civ. P. 30(a)(2)(A), and twenty-five (25) interrogatories per party, as set forth in Fed. R. Civ. P. 33(a), should apply.
- g. The parties may call expert witnesses.
 - i. Plaintiffs shall disclose all expert witnesses as required by Fed. R. Civ. P. 26(a)(2)(A) and provide reports no later than Monday, October 10, 2022. Plaintiff's experts shall be available for depositions on or before Monday, November 7, 2022.
 - ii. Defendants shall disclose all expert witnesses as required by Fed. R. Civ. P. 26(a)(2)(A) and provide reports no later than Monday, December 5, 2022. Defendants' experts shall be available for depositions on or before Friday, January 6, 2023.
 - iii. Any rebuttal experts shall be disclosed and reports provided no later than Monday, January 30, 2023, and shall be made available for depositions on or before Monday, February 27, 2023.
- h. No physical or mental examinations are anticipated.
- i. All discovery will be completed by Monday, February 27, 2023.

- j. Dispositive motions and *Daubert* motions must be filed by Monday, April 24, 2023. Any response shall be filed no later than 30 days after the filing of the dispositive motion, or not later than Wednesday, May 24, 2023. Any reply in support of the motion shall be filed no later than 14 days after the response, or not later than Wednesday, June 7, 2023.
4. **Alternative Dispute Resolution:** The parties agree that this case is suitable for mediation and propose that referral to mediation would be most appropriate in September–November 2022. Defendant represents to the Court that early mediation is appropriate for this case and suggests a referral be made in September of 2022.
5. **Jury Trial:**
- a. The parties will be ready to try the case by Monday, November 14, 2023. The parties acknowledge that this disposition date is outside the Track 2 guidelines. However, Defendant’s counsel has no availability for trial between July 26, 2023 (the Track 2 suggested date for disposition of the case) and November 14, 2023. As such, the parties agreed to a trial date outside the typical Track 2 guideline and worked backward to fill in proposed intermediate pretrial deadlines.
- b. The parties anticipate the trial of the case to take no more than three (3) days.

Respectfully submitted,

s/ Jessie Steffan

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